

Department of the Army
Headquarters, United States Army
Training and Doctrine Command
Fort Monroe, Virginia 23651-5000
3 December 1996

Procurement

TRADOC Acquisition Instruction (TAI)

Summary. The TAI is issued by the Commander, U.S. Army Training and Doctrine Command, as Head of Contracting Activity (HCA), and the Army FAR Supplement (AFARS). This regulation establishes internal TRADOC guidance for the acquisition of supplies, services, and construction consistent with AFARS 1.304(a)(1). This regulation establishes uniform instructions consistent with and supplementary to these regulations.

Applicability. This regulation is applicable to all TRADOC contracting offices. Any references to the Directorate or Director of Contracting (DOC) as used throughout this regulation, shall include TRADOC Contracting Offices and Contracting Activities.

Supplementation. Do not supplement this regulation without approval from Commander, TRADOC, Office of the Principal Assistant Responsible for Contracting, ATTN: ATBO-ACP, Fort Monroe, Virginia 23651-5000.

Forms. "R" forms listed in this regulation are for local reproduction. Have them printed through your forms management officer.

Suggested Improvements. Send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) through contracting channels to Directorate for Acquisition, DCSBOS, ATTN: ATBO-ACP, Fort Monroe, VA 23651-5000.

Distribution Restriction. Unlimited.

*This regulation supersedes TRADOC Acquisition Instruction dated 14 February 1992.

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PART 1--FEDERAL ACQUISITION REGULATION SYSTEM

SUBPART 1.1--PURPOSE, AUTHORITY, ISSUANCE

1.105-2 Arrangement of regulations.

(a) **General.** The arrangement of this TRADOC Acquisition Instruction (TAI) is patterned after the FAR, DFARS, and AFARS.

(b) **Numbering.** The numbers reflect the paragraph referenced in the FAR, DFARS, and AFARS. A paragraph or part of this regulation numbered in the 70 series corresponds to the DFARS. Likewise, a paragraph or part of this regulation numbered in the 90 series corresponds to the AFARS. A paragraph numbered in the 100 series is TRADOC's policy.

(c) **References and citations.** This regulation will be referred to as the TAI. Any paragraph, part, or section may be cited as "TAI" followed by the part, section, or paragraph number. This paragraph, for example, would be cited as "TAI 1.105-2(c)."

SUBPART 1.2--ADMINISTRATION

1.201 Maintenance of the FAR.

(100) Changes to this regulation will be published in a TRADOC Acquisition Bulletin (TAB) with revised pages or instructions for pen and ink changes to existing pages. Changes will be effective upon receipt unless otherwise specified. Each revised page will annotate the area changed by vertical lines in the margin and include the date of the revision.

(101) Tabs will be sequentially numbered with the first two digits being the calendar year of the TAB, i.e., 96-01 followed by 96-02.

1.290 Routing of documents and mailing addresses.

(a) Any contracting action which must be approved by the TRADOC Commanding General or Chief of Staff must be signed by the Installation Commander. Directors of TRADOC contracting offices (hereafter referred to as "DOCs") should not submit requests or actions which require HCA approval or endorsement unless the request represents the Installation Commander's position (as evidenced by his/her endorsement). The document must contain all

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information bearing on the case which the HCA or HQDA need to make a decision. All documents requiring HCA or higher headquarters review or approval shall be submitted through the TRADOC Principal Assistant Responsible for Contracting (PARC) unless direct transmission is specifically authorized. When authorized for direct transmittal, a copy shall be furnished to the PARC concurrent with dispatch to higher headquarters. Other correspondence to the PARC may be signed by the DOC or his/her designee. In those instances when approval authority has been delegated to the PARC, actions must be signed by the Garrison Commander, or Activity Commander in the case of a tenant activity.

(b) Addresses which are frequently referred to in this regulation are as follows:

(1) Commander, U.S. Army Training and Doctrine Command, Office of the Principal Assistant Responsible for Contracting, Bldg 10, Room 306, Fort Monroe, VA 23651-5000.

(A) ATTN: (PARC)

(B) ATTN: (Policy/Compliance)

(C) ATTN: (Requirements/Acquisition Management)

(D) ATTN: (Policy)

(E) ATTN: (Review and Compliance)

(2) Commander, U.S. Army Training and Doctrine Command, Office of the Chief of Staff, Small and Disadvantaged Business Utilization, ATTN: ATCS-B, Bldg 10, Room 108, Fort Monroe, VA 23651-5000.

SUBPART 1.3--AGENCY ACQUISITION REGULATIONS

1.304 Agency control and compliance procedures.

(a) DOCs may publish acquisition instructions prescribing procedures for activities requesting contracting and purchasing support. One copy of each instruction and any revisions shall be furnished to the OPARC (see addressee in 1.290(b)(1)(D)) when published. Use of any nonstandard clause or provision in solicitations and contracts must be approved in accordance with

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SUBPART 1.4--DEVIATIONS FROM THE FAR

1.402 Policy.

A nonstandard clause may be any provision in the solicitation or contract that will have a significant effect beyond the internal operating procedures of the DOC, or a significant cost or administrative impact on bidders or offerors.

(3)(A) Deviation from this regulation requires prior written approval of the PARC.

SUBPART 1.6--CAREER DEVELOPMENT CONTRACTING AUTHORITY AND RESPONSIBILITIES

1.601 General.

(100) Solicitation Review Board(SRB)/Contract Review Board (CRB)

(i) Prior to issuance to industry, a SRB shall review:

(a) All solicitations over the simplified acquisition threshold (total includes all options, if applicable).

(ii) The SRB may be formal or informal as determined by the DOC. An informal SRB is made up of individuals who review the solicitation without the members convening as a group. A formal SRB will be chaired by the DOC or an alternate appointed by the DOC. The DOC shall determine the appropriate membership for each board which may be tailored to the nature, value and level of complexity of each requirement. Regardless of whether the installation SJA is a member of the board, he/she shall review all contract actions above the simplified acquisition threshold.

(iii) A formal SRB shall convene for the following:

(b) All solicitations that will result in a formal source selection,

(c) All best value solicitations,

(d) Food service solicitations regardless of dollar value; and,

(d) All commercial activities solicitations regardless of dollar value.

(iv) Suggested participants are:

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(a) Contract Specialist; Contract Administrator, or Procurement Analyst (someone other than the contracting officer or the individual responsible for preparation of the solicitation).

(b) Legal Counsel.

(c) Technical expert(s) in the requirements area, to include Quality Assurance. (Regardless of whether a technical person is a member of the board, strongly suggest the solicitation is reviewed by someone from the requiring activity.)

(d) Small and Disadvantaged Business Utilization Specialist.

(e) Competition Advocate.

(iv) Any corrective action taken will be documented in the contract file.

(101) TRADOC review and approval.

(i) Tables 1-1 and 1-2 in this TAI establish thresholds at which solicitations, price objective memoranda (POMs) and price negotiation memoranda (PNMs) must be submitted to the PARC for review and approval. POMs and PNMs are required for modifications at the designated thresholds (except for those modifications for prepriced contract options evaluated at time of contract award). Contracting offices have been assigned to a category A thru F for review purposes. The assignment of categories is provided under separate cover. At the discretion of the PARC, DOCs may be re-categorized from time to time. Table 1-1 establishes thresholds for Base Operation Support Contracts (BASOP) and Table 1-2 establishes thresholds for mission contracts. DOCs are only authorized to award contracts as set forth in their mission or as authorized by the PARC.

(ii) Thresholds were established for several purposes and do not necessarily infer level of quality. In some instances, thresholds were established to ensure that the PARC has an opportunity to review an adequate sampling of contractual documents.

1.602-3 Ratification of unauthorized commitments.

(b) Policy.

(3) Authority to approve ratification actions is delegated as follows:

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- (A) PARC: amounts of \$100,000 or less.
- (B) DOCs: amounts of \$10,000 or less.

1.602-3-90 Ratification procedures.

(b) Ratification actions in excess of \$100,000 that require approval by the HCA shall be endorsed by the Installation Commander or Commandant. Ratification actions \$100,000 or less may be endorsed at a lower level, but not lower than the Garrison Commander.

(e) A ratification log shall be maintained by each contracting office for each fiscal period, and include, as a minimum: description of the action; dollar amount; date committed; status; ratifying order number and date ratified. A complete copy of the ratification document including a copy of the ratifying order shall be retained with the log for at least 3 years (longer if no TRADOC CMR team has reviewed the file).

1.603 Selection, appointment, and termination of appointment.

1.603-1 General.

(2) Authority to appoint ordering officers is hereby delegated to the DOC without power of redelegation.

1.603-3 Appointment.

(100) TRADOC Form 110 -R (Contracting Officer Appointment Request) and contracting officer's worksheet shall be used when requesting contracting officer appointments. Only individuals assigned and working in a TRADOC Contracting Office will be appointed as contracting officers. Requests for individuals to be appointed as contracting officers will identify the specific authority (i.e., limitation) required and address the qualification criteria. Contracting officers shall display their original Certificate of Appointment prominently in the contracting office.

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1.603-4 Termination.

When a contracting officer is no longer in a position in the DOC which requires a warrant, the DOC shall submit a written request for termination of a contracting officer's certificate of appointment. The termination request shall include the individual's name, date

termination is to be effective, and the reason for termination. The original certificate of appointment, along with a copy of the termination notice, shall be retained by the chief of the office to support previously awarded contracts. Certificate shall be retained until all contracts awarded by that individual are closed.

1.690 Procurement management reviews.

On-site management reviews of TRADOC contracting operations will be generally conducted every 2-3 years. The review will be conducted using TRADOC Contract Management Review (CMR) Guide at Appendix XXX. DOCs may request assistance visits when needed. Such requests should be in writing stating the specific area in which assistance is needed.

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3.104-11 Processing violations or possible violations.

(g) The Assistant Deputy Chief of Staff for Base Operations Support has been delegated the authority to review violation(s) or possible violation(s) submitted IAW FAR Part 3.104 -11(b). Information forwarded in accordance with FAR 3.104 -11 shall be submitted to OPARC (see addressee in 1.290(b)(1)(E)).

SUBPART 3.6--CONTRACTS WITH GOVERNMENT EMPLOYEES OR ORGANIZATIONS OWNED OR CONTROLLED BY THEM

3.602 Exceptions.

When an exception to the policy of FAR 3.601 is required, request for approval shall:

- (1) Identify requiring activity.
- (2) Describe the nonpersonal service to be purchased, estimated amount, and period of performance.
- (3) Identify firm or individual involved and employment relationship with the government.
- (4) Include justification as to why it is necessary to contract with a government employee and why the needs of the government cannot otherwise be satisfied.
- (5) Include a statement from the requiring activity that includes: assessment that there will be no conflict of interest (AR 600-50)(Standards of Conduct for Department of the Army Personnel); safeguards discussions to ensure no conflict of interest will arise; and, assurance that performance will not conflict with employee's government employment.
- (6) Include a statement by the contracting officer that he/she considers the proposed contract proper and in compliance with FAR 37.103.
- (7) Include a legal opinion from the local Staff Judge Advocate (SJA).

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SUBPART 4.2--CONTRACT DISTRIBUTION

4.201 Procedures.

(100) TRADOC Form 944-R (Contract Distribution Record) may be used to record distribution of documents.

4.601 Record requirements.

(100) A Statistical Data Report on "contract distribution" shall be submitted to addressee in subpara graph 1.290(b)(1)(C), 10 calendar days following each quarter.

4.802 Contract files.

(100) Each DOC shall establish control procedures for releasing contract files, especially those containing proprietary or source selection data.

(101) Filing of documents . The contract files shall be assembled in accordance with TRADOC Form 939-R (Contract File Index).

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PART 5 PUBLICIZING CONTRACT ACTIONS

SUBPART 5.3--SYNOPSIS OF CONTRACT AWARDS

5.303 Announcement of contract awards.

(a) Public announcement. Concurrent with submission of information to the Contract Statistics Office, the contracting officer shall submit a copy of the prescribed information to the PARC (see addressee in 1.290(b)(1)(E)).

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PART 6 COMPETITION REQUIREMENTS

SUBPART 6.3--OTHER THAN FULL AND OPEN COMPETITION

6.302-1.

Only one responsible source and no other supplies or services will satisfy agency requirements. Determination at DFARS 6.302-1(a)(2)(i)(1) is delegated to the DOC. Approval of the J&A shall be in compliance with FAR 6.304.

6.303-1 Requirements.

(b) Management levels for review and approval of recommendations by technical and requirements personnel are as follows:

\$100,000 to \$500,000	Directors of Requiring Activity (i.e., DEH, DIS, DOIM)
\$500,001 to \$10,000,000	Installation Garrison Commander (if BASOPS requirement); Requiring Activity Chief of Staff/Deputy Commander or equivalent (if mission requirement)
\$10,000,001	Installation Commander (if (BASOPS requirement); Requiring Activity Commander or equivalent (if mission requirement)

(100) Tenant activity officials outside the installation/TRADOC chain of command who are in positions comparable to those in the above categories shall perform review and approval.

(101) If it is not readily apparent from the person's job title, include a statement in the J&A cover memorandum to confirm the non-BASOPS requiring activity's "management" person's position is "equivalent" or "comparable" to the appropriate review and approval level.

(102) Review and approval shall be accomplished in the appropriate J&A paragraph.

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PART 6 COMPETITION REQUIREMENTS

6.303-2-90 Format of the justification review and justification and approval documents.

(a) All J&As valued over \$100,000 shall be prepared in accordance with the AFARS format as set forth and supplemented in the TRADOC J&A Handbook at Appendix A.

(b)(1) When a J&A is submitted to the TRADOC Competition Advocate for approval (over \$500,000), signature of the following installation/activity persons must be included on the cover page (justification review document) of the justification:

SADBUS
Legal Counsel
Competition Advocate

(2) A copy of the synopsis submitted to the Commerce Business Daily for publication (unless synopsis is exempted) shall be provided with the J&A.

6.304. Approval of the justification.

(c) All class J&As, regardless of dollar value, shall be forwarded to the TRADOC Special Competition Advocate for Approval.

(100) One copy of all locally approved J&As shall be forwarded to the OPARC (see addressee in subparagraph 1.290(b)(1)(C)) concurrent with the quarterly competition report.

(101) When circumstances exist that will not permit approval of a justification based on urgency (FAR 6.302-2) prior to award of contracts over \$500,000, the contracting officer shall notify the TRADOC Special Competition Advocate prior to soliciting offers. Information must include, but is not limited to, the item/service being procured, the estimated dollar value, and a brief explanation of the urgency. This informal notification may be made telephonically, electronically or via facsimile. This informal process is for the purpose of notification only and does not replace the formal J&A approval process. Further, notifying the TRADOC Special Competition Advocate shall in no way relieve the contracting officer of the responsibility to ensure

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the justification is adequate to support the exemption in FAR 6.302-2.

6.502. Duties and responsibilities.

All competition-related submissions (i.e., reports J&A's) shall be forwarded to the OPARC (see addressee in subparagraph 1.290(b)(1)(C)). Submissions may be forwarded via electronic mail or facsimile in lieu of regular mail.

(b)(1)(i) Quarterly Competition Report: On or before the 15th calendar day following the end of each quarter, competition advocates shall submit a report on competition achievements in the previous quarter. Format for the quarterly competition report shall be as set forth in the TRADOC Special Competition Advocate's memorandum, ATBO-ACA, subject: Competition Reporting, 22 Mar 96 (See Appendix XXXX).

(b)(2) On or before 1 November of each year, local competition advocates shall submit projection of total dollars available for competition in the forthcoming fiscal year (by quarter), the portion of those dollars that will be competed, and the recommended competition goal. Format for the projection shall be as set forth in the TRADOC Special Competition Advocate's memorandum, ATBO-ACA, subject: Competition Reporting, 22 Mar 96 (See Appendix XXXX).

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SUBPART 7.1--ACQUISITION PLANS

7.102 Policy.

The authority to waive market surveys for procurements in excess of \$50 M which require a justification and approval in accordance with 6.303 is delegated to the TRADOC Special Competition Advocate. Approval to waive market surveys must be approved prior to submission of the J&A (and Acquisition plan, if applicable) for approval.

7.103 Agency-head responsibilities.

The original and three copies of acquisition plans shall be submitted to the PARC (see addressee in 1.290(b)(1)(E)) at least 45 calendar days prior to contemplated issuance of synopsis. Acquisition plans for multi-function CA projects, including resolicitation of functions previously converted to contract, must be submitted at least 60 days prior to issuance of synopsis. Acquisition plans shall be approved by the PARC prior to issuance of the synopsis.

7.104-90 Acquisition planning system.

(a) Each TRADOC installation is responsible for implementing the TRADOC Advance Acquisition Planning System (TAAPS) for both mission and BASOPS requirements. TAAPS is the process by which the efforts of all personnel responsible for any aspect of an acquisition are coordinated and integrated through comprehensive planning aimed at fulfilling a TRADOC need in a timely manner and at a reasonable cost. It includes developing the overall strategy for managing the acquisition. The main objective of the TAAPS is to improve requirements planning as a foundation for responsive and effective acquisitions.

(b) TAAPS applies primarily to TRADOC requiring activities. However, entry into the annual TAAPS forecast is required for mission requirements equal to or in excess of \$100,000 and BASOPS requirements equal to or in excess of \$500,000. See TAAPS Handbook at Appendix B.

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(c) (100) Procurement Administrative Lead Time (PALT) begins when a complete and valid procurement package is received in a contracting office and ends when the acquisition is awarded. PALT may be affected by the complexity of the requirement, workload and/or staffing. Requirements that are incomplete should not be accepted by the contracting office as there is no means to suspend PALT when amendments to the requirements package are necessary. Once entered in SAACONS, PALT includes delays caused by any part of the acquisition process.

(d) DOCs shall:

(i) Establish and publish contract administrative lead time (CALT) and publish annual cut-off dates for submission of all recurring and planned acquisitions.

(ii) Establish a suspense system to provide notice to requiring activities when an acquisition package must be submitted to the DOC.

(iii) Provide information required to exercise the option to existing contract when an existing contract is in its last option year.

(iv) Establish the date a complete acquisition package must be submitted if a follow-on contract is required.

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9.404 Parties excluded from Federal Procurement and Nonprocurement Programs.

(c)(5) DOCs shall review the List of Parties excluded from Federal Procurement and Nonprocurement Programs to ensure that they do not solicit offers, award contracts to or consent to subcontracts with contractors who are listed.

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SUBPART 13.90--GOVERNMENT PURCHASE CARD

13.9001 General.

13.9002 Agency/command responsibilities.

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PART 13--SIMPLIFIED ACQUISITION PROCEDURES

SUBPART 13.2 BLANKET PURCHASE AGREEMENTS

13.203-1 General.

(j)(1) Specified period of time for the term of the BPA shall not exceed three (3) years.

SUBPART 13.90 GOVERNMENT PURCHASE CARD

13.9001 General.

See appendix XX, TRADOC International Merchant Purchase Authorization Card (IMPAC) Instructions.

13.9002 Agency/command responsibilities.

(a) Approving official and cardholder delegations of authority will be issued in writing by the DOC.

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PART 14--SEALED BIDDING

SUBPART 14.4--OPENING OF BIDS AND AWARD OF CONTRACT
14.407-3 Other mistakes disclosed before award.

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PART 14--SEALED BIDDING

SUBPART 14.4--OPENING OF BIDS AND AWARD OF CONTRACT

14.407-3 Other mistakes disclosed before award.

(e)(A) Reinvention waiver # WA-0018-ACQ authorizes the PARC to approve correction of mistakes under FAR 14.407-3(e). Waiver expires XXXXX.

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PART 15--CONTRACTING BY NEGOTIATION

**SUBPART 15.4--SOLICITATIONS AND RECEIPT OF PROPOSALS AND
QUOTATIONS**

15.405-1 General.

15.405-4 Procedures.

SUBPART 15.5--UNSOLICITED PROPOSALS

15.506 Agency procedures.

SUBPART 15.6--SOURCE SELECTION

15.607 Disclosure of mistakes before award.

15.611 Best and final offers.

15.612 Formal source selection.

SUBPART 15.8--PRICE NEGOTIATION

15.805-1 General.

15.807 Prenegotiation objectives.

15.808 Price negotiation memorandum.

15.890-3 Reporting.

15.890-4 Overage audit review boards.

TRADOC ACQUISITION INSTRUCTION

PART 15--CONTRACTING BY NEGOTIATION

SUBPART 15.4--SOLICITATIONS AND RECEIPT OF PROPOSALS AND QUOTATIONS

15.405-1 General.

The written determination to issue a solicitation for information or planning purposes shall be approved by the DOC.

15.405-9-4 Procedures.

(c) The contracting officer shall submit a copy of draft request for proposal (DRFP) to the OPARC (see addressee in 1.290(B)(5)) concurrent with submission to industry.

SUBPART 15.5--UNSOLICITED PROPOSALS

15.506 Agency procedures.

Each DOC shall appoint an Unsolicited Proposal Control Officer (UPCO) to execute/process unsolicited proposals that relate to the individual mission of the contracting office. Upon receipt of an unsolicited proposal by any office within TRADOC it shall be forwarded to one of the following TRADOC control offices:

<u>Area of Interest</u>	<u>Location of Control Officer</u>
Base Operations Mission	Directorate of Contracting TRADOC Contracting Activity, Fort Eustis Mission Contracting Activity, Fort Leavenworth Directorate of Contracting, Fort Huachuca

The UPCO shall establish and publicize procedures for handling unsolicited proposals and disseminate to each of the contracting office customers. If the UPCO receives an unsolicited proposal that is not within the contracting office's mission, the unsolicited proposal shall be forwarded to the appropriate contracting office. See Unsolicited Proposal Guide at Appendix XXXXX.

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PART 15--CONTRACTING BY NEGOTIATION

SUBPART 15.6 SOURCE SELECTION

15.607 Disclosure of mistakes before award

(c)(3) Authority to approve requests to correct mistakes in proposals is delegated to the DOC.

15.611 Best and final offers.

(c)(i)(A) Request for second or subsequent best and final offers (BAFO) for competitive negotiated acquisitions under formal source selection shall be submitted to the OPARC (see addressee in 1.290(b)(1)(E)). The request shall fully justify the need for second or subsequent BAFOs.

(c)(i)(B) Authority to approve second or subsequent BAFO requests for all other competitive negotiated acquisitions is delegated to the DOC.

15.612 Formal source selection.

(a) General. Formal source selection procedures shall be used for all competitively negotiated acquisitions where the source selection authority is other than the contracting officer. Any solicitation that requires formal source selection, regardless of dollar value, shall be forwarded to the OPARC (see addressee in 1.290(b)(1)(E)) prior to release to industry.

(b) Responsibilities .

(1)(C)(2) Individuals nominated to be a Source Selection Authority (SSA) will be an O-6 or higher, or equivalent civilian grade.

SUBPART 15.8--PRICE NEGOTIATION

15.805-1 General.

(100) Contract Review Board (CRB). The DOC shall establish a CRB in accordance with procedures set forth in 1.601(100). A CRB is also required for modifications to existing contracts (except those modifications for prepriced contract options evaluated at time of contract award).

TRADOC ACQUISITION INSTRUCTIONS

PART 15--CONTRACTING BY NEGOTIATION

(101) Tables 1-1 and 1-2 at 1.601 (101)(i) establish dollar thresholds for HQ TRADOC review and approval of business clearance documents. Each DOC shall submit documents based on the category assigned in accordance with 15.807 and 15.808 to include contracts for Full Food Service, Commercial Activities, contracts resulting from formal source selections, best value evaluations, and modifications to existing contracts.

15.807 Prenegotiation objectives/15.808 Price negotiation memorandum.

Prenegotiation objectives and the results of negotiations shall be documented in a Prenegotiation Objective Memorandum (POM) and a Price Negotiation Memorandum (PNM), respectively, for any negotiated acquisition regardless of dollar value. Guidelines for preparing POMs and PNMs are outlined in the "TRADOC Guide for Preparation of Price Objective Memoranda (POM) and Price Negotiation Memoranda (PNM), Appendix XXXXX.

15.890-3 Reporting.

(a) Status Report on Specified Contract Audit Reports (RCS: DD-IG(SA) 1580) shall be submitted to the PARC (see addressee in 1.290(b)(1)(C)) not later than 5 calendar days after the end of March and September of each year.

15.890-4 Overage audit review boards.

(a) The Overage Audit Review Board shall review unresolved audits over six (6) months old; open resolved audits over twelve (12) months old or unresolved audits over twelve (12) months old, listed on the Status Report on Specified Contract Audit Report.

(b) Because of distance, the contracting officer will not be required to participate on the board. However, the contracting officer shall submit to the board, a plan of action for resolution and disposition of reported audit(s), concurrent with submission of the specified contract audit report. The plan shall include the auditor's position, the contracting officer position, and any areas of disagreement. A copy of the audit report shall also be submitted.

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PART 16--TYPES OF CONTRACTS

SUBPART 16.4--INCENTIVE CONTRACTS

16.404-2 Cost-plus-award-fee contracts.

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PART 16--TYPES OF CONTRACTS

SUBPART 16.4--INCENTIVE CONTRACTS

16.404-2 Cost-plus-award-fee contracts.

(a) Description .

(100) The award fee conversion chart in the contract shall indicate the minimum acceptable level of performance and that no award fee will be paid at or below that level.

(b) Application.

(2)(A) The Award Fee Determining Official (AFDO) shall be nominated in writing by the DOC prior to contract award. The name, rank, and position of the nominee shall be included in the request for appointment, along with justification for the individual to be appointed as the AFDO. The appointment request shall be submitted to the PARC (see addressee in 1.290 (b)(1)(E)). The procedure for any replacement AFDO shall be the same as for the initial AFDO appointment.

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PART 17--SPECIAL CONTRACTING METHODS

SUBPART 17.2--OPTIONS

17.204 Contracts.

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PART 17--SPECIAL CONTRACTING METHODS

SUBPART 17.2-OPTIONS

17.204. Contracts.

(e) PARC approval is required prior to the award of options that extends contracts beyond the five-year regulatory limit. A written request fully justifying the need for the extension shall be submitted to the PARC (see addressee in 1.290(b)(1)(E)).

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DISADVANTAGED BUSINESS AND WOMEN-OWNED SMALL BUSINESS CONCERNS**
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**SUBPART 19.8--CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION
(PROGRAM)**

19.803 Selecting acquisitions for the 8(a) program.
19.804-2 Agency offerings.
19.807 Estimating the fair market.
19.808 Contract negotiation.

**SUBPART 219.72--EVALUATION PREFERENCE FOR SMALL DISADVANTAGED BUSINESS(SDB)
CONCERNS IN CONSTRUCTION ACQUISITIONS-TEST PROGRAM**

219.7201 Administration of the test program.

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PART 19--SMALL BUSINESS PROGRAM

**SUBPART 19.7-SUBCONTRACTING WITH SMALL BUSINESS, SMALL DISADVANTAGED
BUSINESS AND WOMEN-OWNED SMALL BUSINESS CONCERNS**

19.706 Responsibilities of the cognizant administrative contracting officer.

(100) The Small Business Specialist shall verify that one copy of the SF 295, Summary Subcontract Report, is provided to Army SADBUs and Associate Director, SADBUs Offices, for all contracts containing subcontracting plans administered by the contracting office.

**SUBPART 19.8-CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(a)
PROGRAM)**

19.803 Selecting acquisitions for the 8(a) program.

(a) Small Business Specialists in the DOC offices shall respond directly to general search letters from SBA.

(c) Small Business Specialists in the DOC offices shall identify requirements to the SBA for planning purposes.

19.804-2 Agency offerings.

(a) Notification shall include a suspense date for SBA's request for commitment as well as a statement advising SBA to submit final request to the contracting officer.

19.807 Estimating the fair market.

(a) Contracting officers shall develop the fair market price and include it in the contract file prior to issuing the solicitation.

19.808 Contract negotiation.

(100) All requests for withdrawal of 8(a) commitments shall be coordinated with the Associate Director SADBUs Office prior to requesting withdrawal from SBA.

(101) Requests to withdraw a commitment on the basis of price disagreement shall address SBA's involvement. If SBA was not present during negotiations, the file shall indicate SBA was

TRADOC ACQUISITION INSTRUCTION

PART 19--SMALL BUSINESS PROGRAM

requested to enter negotiations and the SBA response.

(102) Requests to withdraw a commitment shall include the following:

- a. Independent government cost estimate;
- b. Estimated current fair market price;
- c. Audit recommendation, if obtained;
- d. Government initial and revised pricing objectives;
- e. SBA initial proposal;
- f. Summary of negotiations;
- g. SBA final proposal.

(103) Subsequent to withdrawal and successful resolicitation and award, contracting officer shall provide to TRADOC SADBU Office: the name of the contractor; total contract price; competitive price range; and, whether the independent government cost estimate was revised after withdrawal from the 8(a) program, and, if so, the revised amount.

**SUBPART 219.72--EVALUATION PREFERENCE FOR SMALL DISADVANTAGED BUSINESS
(SDB) CONCERNS IN CONSTRUCTION ACQUISITIONS-TEST PROGRAM**

219.7201 Administration of the test program.

Status report shall be submitted to Director, Army SADBU, through the Associate Director, TRADOC SADBU (see addressee in 1.290 (b)(2)).

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PART 22--APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITION

SUBPART 22.4--LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

22.406-13 Semiannual enforcement reports.

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PART 22--APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

SUBPART--22.4 LABOR STANDARDS FOR CONTRACTS INVOLVING CONSTRUCTION

22.406-13 Semiannual enforcement reports.

Reports shall be sent to the PARC within five working days after the end of March and September (see addressee in 1.290(b)(1)(E)). (RCS: 1482-DOL-SA).

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PART 24--PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

SUBPART 24.2--FREEDOM OF INFORMATION

24.202 Policy.

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PART 24--PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

SUBPART 24.2--FREEDOM OF INFORMATION

24.202 Policy.

(100) TRADOC PARC is the Initial Denial Authority (IDA) for contracting-related information for TRADOC. Requests for denial of contracting information shall be sent to the IDA at HQ TRADOC in accordance with the instructions in AR 25-55 and the procedures set forth in Appendix **XXXX** (see addressee in 1.290(b)(1)(E)).

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PART 32--CONTRACT FINANCING

SUBPART 32.7--CONTRACT FUNDING

232.703-1 General.

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PART 32--CONTRACT FINANCING

SUBPART 32.7 CONTRACT FUNDING

232.703-1 General.

(1)(iii) Incremental funding is approved for fixed-priced base services contracts or hazardous/toxic waste remediation contracts with a dollar value of \$25,000 or more. Fixed-price base services contracts less than \$25,00 will be fully funded upon award. See Appendix **XXXXXX**.

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PART 33--PROTESTS, DISPUTES, AND APPEALS

SUBPART 33.2--DISPUTES AND APPEALS

- 33.190-1 Bid protest action report.
- 33.214 Alternative disputes resolution (ADR)

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PART 33--PROTESTS, DISPUTES, AND APPEALS

(100) Litigation files. The following documents shall be submitted to the PARC (see addressee in 1.290(b)(1)(E)) in response to GAO protest and for processing contract disputes and appeals:

a. GAO bid protests: Copies of letters of protest; a copy of the contracting officer's memorandum; and a copy of supporting legal opinion.

b. Contract appeals (Rule 4): Copy of claim letter; a copy of the contracting officer's final decision; a copy of the contracting officer's memorandum; and a copy of the supporting legal opinion.

(101) Additional information may be requested on a case-by-case basis if required. Original and copies of litigation files shall continue to be furnished to OFFICE OF THE CHIEF TRIAL ATTORNEY in accordance with AFARS Part 33.

SUBPART 33.2--DISPUTES AND APPEALS

33.190-1 Bid protest action report.

Bid protest action reports will be prepared by the local legal counsel.

33.214 Alternative disputes resolution (ADR)

(a) DOCs are encouraged to employ the ADR procedures at Appendix **XXX** when ever possible.

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PART 36--CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

SUBPART 36.3--SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

36.302 Presolicitation notices.

SUBPART 36.5--CONTRACT CLAUSES

36.505 Material and workmanship.

36.515 Schedules for construction contracts.

TRADOC ACQUISITION INSTRUCTION

PART 36--CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

SUBPART 36.3--SPECIAL ASPECTS OF CONTRACTING FOR CONSTRUCTION

36.302 Presolicitation notices.

The requirement to issue presolicitation notices for construction requirements is waived by the TRADOC PARC. Contracting officers are advised to use discretion in applying this waiver and should continue to issue notices, when, in their judgment the notice would significantly enhance competition among eligible construction contractors.

SUBPART 36.5 CONTRACT CLAUSES

36.505 Material and workmanship.

(100) The installation Directorate of Public Works (DPW) or Directorate of Engineering Housing (DEH) shall provide as a part of the procurement package, a list of materials which require approval in accordance with FAR 52.236, Material and Workmanship. The list shall be made a part of the solicitation. TRADOC Form 928-R, Material Approval Submittal, may be used by the DPW or DEH to list material requiring approval.

36.515. Schedules for construction contracts.

TRADOC Form 930-R Contract Progress Schedule, (or a similar locally developed form) may be used to monitor the contractor's progress. This form should be given to the contractor at the preconstruction conference. The contractor will list the major work elements and the percentage of each element to be completed each period. The contractor shall complete TRADOC Form 927-R Contract Progress Report (or a similar locally developed form) and submit it to the contracting officer biweekly. The contracting officer will post the percent of completed work on the form. The contracting officer may be coordinated with the inspector or contracting officer's representative (COR) to resolve apparent discrepancies. The contracting officer shall make job site visits to validate the contractor's progress. When making a site visit, TRADOC Form 926-R, Job Site Visit Memorandum (or a similar locally developed form) may be used to document the site conditions/findings .

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PART 37--SERVICE CONTRACTING

SUBPART 37.1--SERVICE CONTRACTS-GENERAL

37.102 Policy.

SUBPART 37.2--ADVISORY AND ASSISTANCE SERVICES

37.203 Policy.

37.270-4 Reporting requirements.

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PART 37--SERVICE CONTRACTING

SUBPART 37.1 SERVICE CONTRACTS--GENERAL

37.102 Policy.

When payment of honorarium fees will exceed \$500, the procurement request shall be approved in accordance with AR 37-107. Request originating at the installation level shall be approved by the Chief of Staff, TRADOC. Requests originating at HQ TRADOC shall be approved by the Vice Chief of Staff, Army. Requests submitted for approval shall itemize all anticipated expenses including travel, lodging, meals, honorarium, etc. This monetary restriction does not apply to classroom instructors. Request shall be submitted to the PARC (see addressee at 1.290(b)(1)(E)).

SUBPART 37.2--ADVISORY AND ASSISTANCE SERVICES

37.203 Policy.

(100) Procedures at Appendix XXXX shall be used when a solicitation or contract include or may include by issuance of a delivery order, a review process in which the contractor participates by providing certain experts (i.e. Senior Officer Review Groups, Technical Review and Recommendation Board, etc.) to review documents, concepts, doctrines or similar contract deliverables when the expert is an employee, officer, or otherwise has a financial interest in either the contractor whose work is being reviewed or is in competition with the contractor's whose work is being reviewed.

37.270-4 Reporting requirements.

(a) Report shall be submitted to the PARC not later than 1 November of each year (see addressee in 1.290(b)(1)(C)). Report control number is DD-P&L(A) 1849. A negative response is required.

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PART 39--ACQUISITION INFORMATION RESOURCES

39.001 Policy

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PART 39--ACQUISITION INFORMATION RESOURCES

39.001 Policy.

(100) TRADOC Contracting Activity (TCA) at Fort Eustis, VA is authorized to purchase all large dollar information resources for both mission and base operation support (BASOPS).

(101) Other DOCs are authorized to purchase information resources in support of BASOPS up to the simplified acquisition threshold.

(102) Authority to exceed this amount will be granted on a case-by-case basis by the PARC. DOCs shall coordinate the waiver request with TCA prior to submission to the PARC for approval. The waiver request shall briefly describe the requirement and include rationale as to why it is in the best interest of the government for the DOC to make the purchase versus TCA. Waivers will not be granted due to poor planning by requiring activities or activities holding requirements until year-end to allow the DOC to make the purchase .

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PART 42--CONTRACT ADMINISTRATION

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42.1503 Procedures.

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42.708 Quick close-out procedures.

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PART 42--CONTRACT ADMINISTRATION

SUBPART 42.7--INDIRECT COST RATES

42.708 Quick close-out procedures.

The decision to use quick close-out procedures is left to the discretion of the contracting officer. However, contracting officers are encouraged to consider quick close-out procedures for those contracts that have been physically completed over one year.

SUBPART 42.15--CONTRACTOR PERFORMANCE INFORMATION

42.1503 Procedures.

(c) Pending implementation of a central army system, DOCs shall document contractor performance on the report form at Appendix XXXX. A central file containing all performance reports shall be maintained by the DOC. A copy of each completed performance report shall also be placed in the contract file.

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PART 45--GOVERNMENT PROPERTY

SUBPART 45.5--MANAGEMENT OF GOVERNMENT PROPERTY IN THE
POSSESSION OF CONTRACTORS.

45.505-14 Reports of Government property.

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PART 45--GOVERNMENT PROPERTY

SUBPART - 45.5 MANAGEMENT OF GOVERNMENT PROPERTY IN THE POSSESSION OF CONTRACTORS

45.505-14 Reports of Government property.

(1) DOCs shall submit DD Form 1662 (RCS: DD-ACQ(A) 1087), Reports of DOD Property in the Custody of Contractor directly to U.S. Army Industrial Engineering Activity (IEA), ATTN: AMXIB, Rock Island, IL 61299-7260. An electronic notice verifying that reports were submitted shall be sent to the OPARC (see addressee in 1.2909(b)(1)(E)) concurrent with submission. A zero balance report is also required at any time a contract is completed or terminated, and property is reduced to zero.

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PART 46--QUALITY ASSURANCE

SUBPART 46.7--WARRANTIES

46.703 Criteria for use of warranties.

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PART 46--QUALITY ASSURANCE

SUBPART--46-7 WARRANTIES

46.703 Criteria for use of warranties.

(c) Procedures shall be established with supported activities to ensure the government's warranty rights are enforced. Appropriate warranty coverage shall be included in the installation contracting regulations and Standing Operating Procedures (SOP) issued under 1.304.

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PART 53--FORMS

SUBPART 53.1--GENERAL

53.101 Requirements for use of forms.

TRADOC ACQUISITION INSTRUCTION**PART 53--FORMS.****SUBPART 53.1--GENERAL****53.101 Requirements for use of forms.**

The requirements for use of the forms prescribed or referenced in this part are contained in Parts 1 through 42, where the subject matter applicable to each is addressed. The specific location of each requirement is identified in Subpart 53.3.

SUBPART 53.3--ILLUSTRATIONS OF FORMS

(100) The following is a list of contracting and reporting forms specified by this regulation for use as prescribed by the specific reference:

REFERENCE	TRADOC FORM NUMBER	TITLE
1.603-3 (101)	110-R	Contracting Officer Appointment Request
1.290	935-R	Staff Judge Advocate Coordination Sheet
4.201	944-R	Contract Distribution Record
4.802 (101)	939-R	Contract File Index
36.505	928-R	Material Approval Submittal
36.515	926-R	Job Site Visit Memorandum
36.515	927-R	Contract Progress Report
36.515	930-R	Contract Progress Schedule

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PART 2--CONTRACT ADMINISTRATION AT THE INSTALLATION

BB-203--Authorized Representatives.

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**APPENDIX BB--INSTALLATION SUPPORT SERVICES CONTRACT
ADMINISTRATION**

PART 2--CONTRACT ADMINISTRATION AT THE INSTALLATION

BB-203 Authorized representatives.

Contracting Officer's Representatives (COR) may be nominated by the requiring activity. The nomination memorandum must include the nominee's qualifications and accompany the procurement package. The contracting officer shall assure that the COR as a minimum has read and is familiar the TRADOC Contracting Officer's Representative Guide (see Appendix XXXX) and has successfully completed the formal COR course sponsored by the Army Logistic Management College (ALMC) or a course equivalent to the ALMC course.